



Department of Defense DIRECTIVE

NUMBER 5210.50

February 27, 1992

ASD(C3I)

SUBJECT: Unauthorized Disclosure of Classified Information to the Public

References: (a) DoD Directive 5210.50, subject as above, October 18, 1982 (hereby canceled)
(b) DoD 5200.1-R, "Information Security Program Regulation," June 1986, authorized by [DoD Directive 5200.1](#), June 7, 1982
(c) Chapter 47 of title 10, United States Code (Uniform Code of Military Justice (UCMJ))
(d) DoD 7750.5-M, "DoD Procedures for Management of Information Requirements," November 1986, authorized by DoD Directive 7750.5, August 7, 1986

1. REISSUANCE AND PURPOSE

This Directive reissues reference (a) to administratively update policy, responsibilities, and procedures for reporting and investigating unauthorized public disclosures of classified information and reporting corrective and disciplinary action taken.

2. APPLICABILITY AND SCOPE

This Directive applies to:

2.1. The Office of the Secretary of Defense (OSD), the Military Departments, the Chairman of the Joint Chiefs of Staff and the Joint Staff, the Unified and Specified Commands, and the Defense Agencies (hereafter referred to collectively as "the DoD Components").

2.2. DoD contractors and their employees.

3. DEFINITION

Unauthorized Disclosure. A communication or physical transfer of classified information to an unauthorized recipient.

4. POLICY

It is DoD policy that known or suspected instances of unauthorized public disclosure of classified information shall be reported promptly and investigated to determine the nature and circumstances of the disclosure, the extent of damage to national security, and the corrective and disciplinary action to be taken.

5. RESPONSIBILITIES

5.1. The Assistant Secretary of Defense for Command, Control, Communications, and Intelligence shall:

5.1.1. Provide policy and direction for reporting and investigating unauthorized public disclosures of classified information.

5.1.2. Request investigations of unauthorized public disclosures of classified information throughout the Department of Defense or within DoD contractor facilities on behalf of the Secretary of Defense. These investigations shall be initiated upon notice or in coordination with the DoD Component concerned.

5.1.3. Coordinate investigations that involve more than one DoD Component.

5.1.4. Submit to the Secretary of Defense reports of findings resulting from investigations.

5.1.5. Serve as a point of contact on investigative matters that involve the unauthorized disclosure of classified information directed to the Department of Defense by other Government Agencies or that may involve other Government Agencies.

5.1.6. Serve as the senior official for implementing this Directive within the OSD.

5.1.7. Ensure that the Defense Investigative Service (DIS) provides investigative support to the DoD Components that do not have investigative capability. DIS support will include conducting the investigations that involve more than one DoD Component.

5.2. The Heads of the DoD Components shall:

5.2.1. Identify, followup, and maintain records on any actions involving unauthorized disclosure of classified information. If no action is taken, that fact shall also be recorded.

5.2.2. Initiate inquiries promptly and conduct investigations of unauthorized public disclosure of classified information. Prepare summaries of the reports and investigations and forward them to the Assistant Secretary of Defense for Command, Control, Communication, and Intelligence (ASD(C3I)), Attention: Deputy Assistant Secretary of Defense for Counterintelligence and Security Countermeasures (DASD(CI&SCM)).

5.2.3. Conduct an investigation of any unauthorized public disclosure of classified information if such information originated within the respective Component, unless a different DoD Component is more appropriately responsible. When responsibility is joint or unclear, refer the case to the ASD(C3I), who shall determine investigative responsibility in consultation with affected Component heads.

5.2.4. Provide assistance to the ASD(C3I), other DoD Components, or the Federal Bureau of Investigation to ensure that a thorough investigation is conducted when there is unauthorized public disclosure of classified information.

5.2.5. Take administrative action under DoD 5200.1-R (reference (b)) with respect to military personnel or civilian employees who make unauthorized public disclosure of classified information. Recommend Department of Justice (DoJ) prosecution in the Federal courts when considered appropriate, and forward the matter through the ASD(C3I) to the General Counsel of the Department of Defense to determine whether referral to the DoJ is warranted. Take appropriate judicial action under the UCMJ (reference (c)) against military personnel when warranted.

5.2.6. Designate a senior official to be responsible for carrying out this Directive.

6. PROCEDURES

6.1. Every civilian and military member of the Department of Defense, and every DoD contractor or employee of a contractor working with classified material, has the responsibility to report promptly through appropriate channels any suspected or actual unauthorized public disclosure of classified information.

6.2. These reports shall be referred immediately to the senior official designated under paragraph 5.2.6., who shall consult with the Assistant Secretary of Defense (Public Affairs) and DoD officials having primary security classification jurisdiction over the information to determine the following:

6.2.1. Whether the information has been released officially and, if not, its current level of classification.

6.2.2. Whether investigative action within the DoD Component concerned is appropriate and, if so, how it should be conducted.

6.2.3. Whether investigative action outside the DoD Component concerned is recommended.

6.3. If it is determined that the disclosed information is classified at the SECRET level or higher and that investigative action should be initiated, the ASD(C3I) shall be notified in writing that an unauthorized public disclosure has occurred and the specific action taken or planned. All requests for investigative assistance from either another DoD Component or a non-DoD Agency shall be approved by the ASD(C3I).

6.4. Decisions regarding whether to initiate investigations of unauthorized public disclosure of classified information should be based on the following factors:

6.4.1. The accuracy of the information disclosed.

6.4.2. The damage to national security caused by the disclosure and whether there were compromises regarding sensitive aspects of current classified projects, intelligence sources or intelligence methods.

6.4.3. The extent to which the disclosed information was disseminated and the number of persons known to have access to it.

6.4.4. The degree to which an investigation will increase the damage caused by the disclosure.

6.4.5. The existence of any investigative leads.

6.4.6. The extent to which the classified information was disseminated outside the Department of Defense (in cases of possible referral to the DoJ).

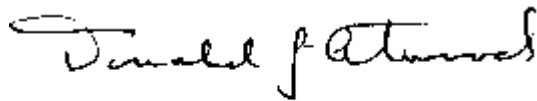
6.5. Nothing in this Directive shall be construed to interfere with or prevent any DoD Component or contractor from reporting unauthorized public disclosures as required by other applicable Executive Branch policies or instructions. All reports made in accordance with this Directive shall be accorded security protection appropriate to the classification of the information disclosed.

7. INFORMATION REQUIREMENTS

The reports in this Directive are exempt from formal approval and licensing in accordance with paragraph 5.4.8. of DoD 7750.5-M (reference (d)).

8. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward one copy of implementing documents to the Assistant Secretary of Defense for Command, Control, Communications, and Intelligence within 120 days.



Donald J. Atwood
Deputy Secretary of Defense